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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/828,737	04/21/2004	Leo M. Pedlow JR.	SNY-T5709.02	5488

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MILLER PATENT SERVICES
2500 DOCKERY LANE
RALEIGH, NC 27606

EXAMINER

FIELDS, COURTNEY D

ART UNIT	PAPER NUMBER
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2137

DATE MAILED: 08/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/828,737	Applicant(s) PEDLOW ET AL.	
	Examiner Courtney D. Fields	Art Unit 2137	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-46 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>1/24/06, 4/25/06, 1/27/06, 7/29/05</u> | 6) <input type="checkbox"/> Other: _____ |
| <u>6/2/05, 3/15/06, 4/3/04, 4/21/04</u> | |

DETAILED ACTION

1. Claims 1-46 are pending.

Information Disclosure Statement

2. The Information Disclosure Statements respectfully submitted on 24 July 2006, 25 April 2006, 27 January 2006, 29 July 2005, 02 June 2005, 15 March 2005, 03 November 2004, and 21 April 2004 have been considered by the Examiner.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-46 are rejected under 35 U.S.C. 102(e) as being anticipated by Candelore (US Patent No. 7,039,938).

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

Referring to claims 1,19,24, and 38, Candelore discloses a video on demand method, system, and apparatus comprising:

processing content to be delivered in a VOD method by selecting first portions of the content for encryption under a selective encryption system and selecting second portions of the content to remain unencrypted (See Column 5, lines 7-20)

storing the first portions (See Column 5, lines 21-41)

storing second portions (See Column 5, lines 21-41)

receiving a request for delivery of the content, the request being from a terminal having decryption capabilities associated with a first decryption method (See Column 5, lines 42-67, Column 6, lines 1-7)

encrypting the first portions using a bulk encryption process to produce encrypted first portions (See Column 6, lines 7-20)

storing the encrypted first portions in a buffer (See Column 6, lines 21-49)

queuing the second portions for delivery to the terminal (See Column 6, lines 21-49)

and assembling a stream of selectively encrypted content from the encrypted first portions and the second portions (See Column 6, lines 21-49)

Referring to claims 2,20,25 and 43, Candelore discloses the claimed limitation wherein the first portions are stored in a first file and the second portions are stored in a second file (See Column 7, lines 31-56)

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Referring to claims 3,10,26 and 33, Candelore discloses the claimed limitation wherein the first and second files are stored in a VOD server (See Column 6, lines 21-49)

Referring to claims 4,11,16,21,27,34 and 39, Candelore discloses the claimed limitation wherein streaming the selectively encrypted content to the terminal (See Column 6, lines 21-49)

Referring to claims 5,12,17,28 and 40, Candelore discloses the claimed limitation wherein the decryption method comprises a legacy encryption method (See Column 5, lines 7-20)

Referring to claims 6,13,18,29 and 41, Candelore discloses the claimed limitation wherein the decryption method comprises a non-legacy encryption method (See Column 5, lines 7-20)

Referring to claims 7 and 30, Candelore discloses the claimed limitation wherein the first and second portions are stored in a VOD server (See Column 5, lines 64-67, Column 6, lines 1-20)

Referring to claims 8,14,31 and 37, Candelore discloses the claimed limitation wherein carried out under control of a programmed processor (See Column 7, lines 4-7)

Referring to claims 9,15,32, and 42, Candelore discloses a video on demand method, system, and apparatus comprising:

processing content to be delivered in a VOD method by selecting first portions of the content for encryption under a selective encryption system and selecting second portions of the content to remain unencrypted (See Column 5, lines 7-20)

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storing the first portions in a first file (See Column 5, lines 21-41)

storing second portions in a second file (See Column 5, lines 21-41)

receiving a request for delivery of the content, the request being from a terminal having decryption capabilities associated with a first decryption method (See Column 5, lines 42-67, Column 6, lines 1-7)

delivering the first portions to an encrypter for encryption using a bulk encryption process to produce encrypted first portions (See Column 6, lines 7-20)

receiving and storing the encrypted first portions in a buffer (See Column 6, lines 21-49)

queuing the second portions for delivery to the terminal (See Column 6, lines 21-49)

and assembling a stream of selectively encrypted content from the encrypted first portions and the second portions (See Column 6, lines 21-49)

Referring to claims 22,35 and 45, Candelore discloses the claimed limitation wherein the encrypter encrypts using a legacy encryption method (See Column 5, lines 7-20)

Referring to claims 23,36 and 46, Candelore discloses the claimed limitation wherein the encrypter encrypts using a non-legacy encryption method (See Column 5, lines 7-20)

Conclusion

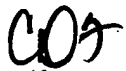
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Courtney D. Fields whose telephone number is 571-

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272-3871. The examiner can normally be reached on Mon - Thurs. 6:00 - 4:00 pm; off every Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on 571-272-3865. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



cdf

August 20, 2006



EMMANUEL L. MOISE
SUPERVISORY PATENT EXAMINER